Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
New Part 4 of the Commission's Rules	)	ET Docket No. 04-35
Concerning Disruptions to Communications	)	
	)	

COMMENTS OF AERONAUTICAL RADIO, INC.

Aeronautical Radio, Inc. ("ARINC"), by its attorneys, hereby submits comments in response to the Commission's Report & Order and Further Notice of Proposed Rulemaking released August 19, 2004 (FCC 04-188).[1]

In the Report & Order, the FCC has adopted new Part 4 of its Rules to require the nation's 4,478 interstate telecommunications common carriers, wireless carriers, hundreds of CMRS providers, and others to report certain outages and disruptions to the services they render the to the public. These covered entities must submit these reports to the FCC within two hours after the incident reaches a reportable magnitude. For services to primary, commercial service, and reliever airports, any outage of 30 minutes or longer must be reported.

In the Further Notice of Proposed Rulemaking, the Commission raises the question whether this reporting requirement should now be extended to private radio communication facilities at airports, such as those provided by ARINC. ARINC respectfully submits that such additional reporting requirements are not necessary and would not provide information not otherwise available to users nor any information that would assist in the creation of a more reliable communications system. Private contracts between the small community of users and

[1] 69 Fed. Reg. 70,315 (Dec. 3, 2004).

the small number of service and facilities suppliers have ensured that the users receive the level of service that they and the traveling public require.

The FCC's decision to impose mandatory reporting requirements on common carriers was predicated in part on the increased dependency of our nation, its people, and its public safety agencies upon reliable communications. This dependency is not new for aviation. Aviation has always depended upon efficient and reliable radio communications, and this need for radio and fixed communications was the reason that ARINC was established 75 years ago. Because ARINC is owned by the community that it serves, it has made service reliability and availability of communications paramount.

Oversight of aviation wireless communications is centralized in a single company. In this regard, aviation communications differ from the wireline and wireless communications provided to the public as a whole where there are thousands of service providers, making it difficult to locate and identify the source of the problem. In the United States, virtually all communications with transport aircraft are carried over communications facilities licensed to ARINC or the Federal Aviation Administration ("FAA"). If there were a problem, users and the government would have no problem identifying the provider involved, and both ARINC and the FAA immediately notify the affected users of outages.

Moreover, not all outages of aviation communications have the same impact on the operation of the nation's air transport system. For this reason, ARINC and facilities providers work with the airlines and other airspace users to define the level of service needed in the specific circumstance and take aggressive measures to make certain that critical communications are available. The most critical facilities are designed with the back-up power, redundancy, overlapping coverage, and diverse routing to meet the rigorous requirements of aviation.

Because air carriers cannot operate without radio communications being available, most aviation communications employ some form of redundancy and protection. Reporting long outages to the FCC would not enhance this service.

At any given airport, the airspace users employ a number of radio communications facilities. Some are aviation radio stations licensed under Part 87 of the Rules and others are private land mobile stations licensed under Part 90 of the Rules. In the aeronautical enroute service under Part 87, for example, ARINC has licensed between one and thirty in-range, local-area radio stations at any given airport. These stations are typically staffed by the aircraft operator who is the principal user of the station. The level of service provided is directly controlled by the users, and ARINC's common-user networks provide an alternate communications path to the user's aircraft.

Second, at any given airport, there may be terminal facilities for between one and four separate multiuser in route voice networks. The networks are typically operated on high-altitude communications frequencies and provide service both to over-flights and to aircraft taking off or landing at the airfield. The voice networks consist of a number of stations interconnected by landlines either operating simultaneously on the same channel with offset carriers or employing selective keying of individual stations. The station coverages are overlapping at altitude and may also overlap on the ground at some terminals. The loss of a single station will have only a slight impact on the overall communications service, and, depending upon the geography and network topology, might not even be noticed because of overlapping coverage.

Third, there may be two to four separate air-ground data networks, some of which have multi-frequency operation. These networks staffed by ARINC and by SITA are multi-user systems. At a primary airport on a typical data network there will probably be multiple

transmitters, standby power, and diverse routing of telecommunications access, and ARINC ensures availability well in excess of 99.99%.

In addition to the aviation systems, ARINC and the airlines operate a number of land mobile systems licensed under Part 90 of the Rules. These facilities also provide critical communications for the safety and convenience of the traveling public. As with the aviation radio systems, the levels of communications are set by the end user either through contract with ARINC or direct ownership of the system. Outages in the ARINC-owned systems are immediately reported to the affected users.

Notification of the FCC should not be necessary if ARINC experiences an outage on any of these systems. If the common user networks (voice or data) or the shared land mobile services are out of service for thirty minutes or more, every user will have been informed, and it is difficult to understand what purpose would be served by diverting resources and to create an additional database on this outage. If the user of an in-range station shuts it down for the night, this should not be a reportable event. The users of any of these systems do not have any trouble identifying the source of the problem because there is only one licensee overseeing a small handful of facilities providers, and the users are in control of the level of service that they receive.

When the attacks on the United States' national airspace were made during September 11, 2001, the communications systems of ARINC and the FAA worked flawlessly. The VHF communications networks provided by ARINC were used and vital to the grounding of all transport aircraft on that fateful day. ARINC's high frequency gateway stations sprung into action within minutes of the attack to contact incoming aircraft and divert them to alternative

landing fields. The system worked because it is redundant, resilient, and responsive. The same is true of ARINC's multi-user systems at airports.

ARINC will continue on behalf of the industry that owns it to seek improvements in the efficiency, availability, and reliability of the telecommunications it oversees. Diverting resources to an additional reporting activity is unnecessary and, in some small way, might be counter productive.

Respectfully submitted,

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